UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.6/1993/14
28 December 1992

ORIGINAL: ENGLISH

COMMISSION ON THE STATUS OF WOMEN
Thirty-seventh session
Vienna, 17-26 March 1993
Item 4 of the provisional agenda*

MONITORING THE IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN

Activities related to preparations for the World Conference on Human Rights

Report of the Secretary-General

Summary

The Economic and Social Council, in its resolution 1992/20 on the advancement of women and human rights, requested the Division for the Advancement of Women, as secretariat of the Commission on the Status of Women, to report to the Commission, at its thirty-seventh session, on the state of the preparatory process for the World Conference on Human Rights and related activities of the Division, in accordance with General Assembly resolution 46/116. In the present report, steps that have been taken generally to prepare for the Conference are described, as are the specific contributions of the Division for the Advancement of Women to the preparations for the Conference. The report provides a historical review of the consideration of women's rights by the Commission and a number of questions are suggested on which the Commission may wish to reflect in its discussion of the Commission's contribution to the Conference.

*E/CN.6/1993/1.

V.92-59732 8774T

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INTRODUCTION

1. The Economic and Social Council, in its resolution 1992/20 on the advancement of women and human rights, noting that the General Assembly, in its resolution 46/116, had requested the United Nations bodies and specialized agencies concerned to submit recommendations on the World Conference on Human Rights to the Preparatory Committee for the Conference, requested the Commission on the Status of Women to establish, at its thirty-seventh session, an open-ended working group to consider its contribution to the World Conference. It also requested the Division for the Advancement of Women, as the secretariat of the Commission, to report to the Commission at its thirty-seventh session on the state of the preparatory process for the World Conference on Human Rights and related activities of the Division, in accordance with General Assembly resolution 46/116.

2. In the present report, the preparations that have been made for the World Conference, to be held at Vienna, Austria from 14 to 25 June 1993, are outlined, as well as other related activities of the Division for the Advancement of Women.

I. STATE OF PREPARATIONS FOR THE CONFERENCE

3. The objectives of the Conference are the following:

(a) To review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)) and to identify obstacles to further progress in this area and ways in which they can be overcome;

(b) To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights, as well as civil and political rights, recognizing the importance of creating conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights (General Assembly resolution 2200 A (XXI), annex);

(c) To examine ways and means to improve the implementation of existing human rights standards and instruments;

(d) To evaluate the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights;

(e) To formulate concrete recommendations for improving the effectiveness of United Nations activities and mechanisms in the field of human rights through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms;

(f) To make recommendations for ensuring the necessary financial and other resources for the United Nations activities in the promotion and protection of human rights and fundamental freedoms. (See General Assembly resolution 45/155, para. 1.);

4. Three sessions of the Preparatory Committee for the Conference have been held at Geneva, the first from 9 to 13 September 1991, the second from 30 March to 10 April 1992, and the third from 14 to 18 September 1992. The

fourth session is scheduled to take place at Geneva from 13 to 23 April 1993. At its second and third sessions the Preparatory Committee discussed dates and venue of the World Conference, and the provisional rules of procedure. Their recommendations 1/ were approved by the General Assembly in its resolution 47/122. While the Preparatory Committee had not been able to agree on an agenda for the Conference, the General Assembly, in the same resolution, also approved the provisional agenda for the Conference as follows:

Item 1. Opening of the Conference.

Item 2. Election of the President.

Item 3. Adoption of the rules of procedure.

Item 4. Election of other officers of the Conference.

Item 5. Appointment of the Credentials Committee.

Item 6. Establishment of committees and working groups.

Item 7. Adoption of the agenda.

Item 8. Commemoration of the International Year of the World's Indigenous People.

Item 9. General debate on the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and on the identification of obstacles to further progress in this area, and ways in which they can be overcome.

Item 10. Consideration of the relationship between development, democracy and the universal enjoyment of all human rights, keeping in view the interrelationship and indivisibility of economic, social, cultural, civil and political rights.

Item 11. Consideration of contemporary trends in and new challenges to the full realization of all human rights of women and men, including those of persons belonging to vulnerable groups.

Item 12. Recommendations for:

(a) Strengthening international cooperation in the field of human rights, in conformity with the Charter of the United Nations and with international human rights instruments;

(b) Ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues;

(c) Enhancing the effectiveness of United Nations activities and mechanisms;

(d) Securing the necessary financial and other resources for United Nations activities in the area of human rights.

Item 13. Adoption of the final documents and report of the Conference.

5. The emphasis on equality between men and women was consistent with the call by the Economic and Social Council in paragraph 1 of its resolution 1992/20 for the Preparatory Committee, "when preparing the agenda and studies for the World Conference, to take into account the existence of de facto as well as de jure discrimination, which continues to impede women's full enjoyment of their economic, social and cultural rights, as well as their civil and political rights".

6. In the preparatory process, beginning with the second session of the Preparatory Committee, when the discussion on the provisional agenda for the Conference started, calls have been made to include in the agenda the question of the equal enjoyment of human rights and fundamental freedoms by women. The Committee on the Elimination of Discrimination against Women made such a call at its eleventh session 2/ and emphasized that women's equality was a significant human rights issue. The promotion of the rights of women as a question meriting the attention of the Conference was also mentioned in the discussions of the Commission on Human Rights at its forty-eighth session and, in accordance with Commission resolution 1992/37, 3/ a summary of those discussions (A/CONF.157/PC/29) was made available to the Preparatory Committee at its second session.

7. At the third session of the Preparatory Committee, the Chairperson of the Committee on the Elimination of Discrimination against Women addressed a letter (A/CONF.157/PC/53) to the Secretary-General of the Conference, conveying the Commission's views and decisions on the matter and a statement was made by the observer for the Division for the Advancement of Women of the United Nations Secretariat, both proposing that persistent violations of the human rights of women be included in the provisional agenda for the Conference. A number of representatives expressed support for the inclusion of the equal rights of women, among other topics, in the provisional agenda. The Chairperson of the Committee, in her letter to the Secretary-General of the Conference (see A/CONF.157/PC/53), also requested that the global issue of reservations to human rights conventions should be placed on the provisional agenda of the Conference.

A. Meetings and activities

1. National level

8. The Commission on Human Rights in the annex to its resolution 1991/30 4/ recommended for consideration to the Preparatory Committee that it should encourage various activities at the national level.

2. Regional level

9. The General Assembly, in its resolution 46/116, paragraph 4(d), decided that a regional meeting should be convened for each region that so desired. The resolution was in accordance with the objectives and provisions of General Assembly resolution 45/155 and was based on decision PC/4 of the Preparatory Committee at its first session 5/ and by the Commission on Human Rights in the annex to its resolution 1991/30. 4/

10. The first regional meeting was held at Tunis from 2 to 6 November 1992. A regional meeting for Latin America and Caribbean countries will take place at San José, Costa Rica, from 18 to 22 January 1993 and the Asian meeting is planned to be held at Bangkok. The Division for the Advancement of Women has

requested the Centre for Human Rights to involve the Division in the activities of the regional meetings.

11. The reports from the regional preparatory meetings will be important contributions to the World Conference itself. Resolution 13 (A/CONF.157/AFRM/14-A/CONF.157/PC/57), adopted at the African regional meeting in November 1992, reaffirmed the need to respect the rights of women and children and to combat violations of those rights on the African continent.

3. International level

12. In its resolution 45/155, by which it established the Preparatory Committee, the General Assembly also encouraged designated officers of the Commission on Human Rights and other human rights expert bodies and working groups to participate in the work of the Preparatory Committee. Subsequently, on the basis of decision PC/6, taken at the first session of the Preparatory Committee, 5/ the General Assembly in its resolution 46/116 granted observer status to those human rights experts. The Committee on the Elimination of Discrimination against Women, which is responsible for monitoring the Convention on the Elimination of all Forms of Discrimination against Women, and the Commission on the Status of Women, which has had a long historical relationship with human rights, were thus invited to participate as observers in the work of the Preparatory Committee and the World Conference.

13. Also in General Assembly resolution 45/155, Governments, the specialized agencies, other international organizations, United Nations bodies, regional organizations and non-governmental organizations concerned with human rights were requested to assist the Preparatory Committee and to undertake reviews and submit recommendations on the Conference.

14. At its first session, the Preparatory Committee adopted decision PC/5, in which it recommended that the Secretary-General be requested to prepare certain documentation for the Conference (see section B below). At the second session, among other topics, the provisional agenda and annotations thereto and the rules of procedure for the Conference were discussed.

15. At its third session, the Preparatory Committee determined the criteria for participation by non-governmental organizations. It also pursued its discussions on the purpose and orientation of the World Conference, as well as on its desirable outcome. From the outset, it has been quite clear that the Conference would not deal with typical country-specific agenda items (for example, situations in individual countries and specific violations), which could easily lead to political confrontations. On the contrary, its substantive focus lies more on the enjoyment of human rights. In a statement to the Preparatory Committee at its third session, the Director of the Division for the Advancement of Women noted that that had been the primary concern of the Commission on the Status of Women when promoting women's rights in political, economic, civil, social and educational fields. By concentrating on the enjoyment by women of their human rights, it had taken an issue-specific and evolutionary approach, which had proved to be a constructive move in the effort to turn rights into reality. The approach taken and experiences encountered should be fully taken into account in the deliberations of the Conference.

16. She noted that the Commission had never been directly involved in the prevention of human rights abuses or the identification of gross violations by individual States, as was the case with the Commission on Human Rights and its

subsidiary bodies. She stated that, because discrimination on the basis of sex was a part of all other human rights instruments, there was an implicit assumption that gross violations of women's rights, as well as the relationship between human rights in general and human rights for women in particular, would be taken up in the mainstream bodies. She called upon the Conference to evaluate to what extent that protection had been adequate and to what extent gross violations of women's human rights had in practice been seen in the broader context of implementation of the human rights regime.

B. Studies and other documentation

17. In General Assembly resolution 46/116, the Secretary-General was requested to prepare the following documentation:

(a) A limited number of short, analytical and action-oriented studies on issues referred to in paragraph 1 of General Assembly resolution 45/155 and Commission on Human Rights resolution 1991/30, in particular paragraph 2 of the annex thereto;

(b) Reports of meetings that have been organized under the auspices of the United Nations human rights programme pursuant to General Assembly resolution 45/155;

(c) A reference guide to all United Nations studies and reports on human rights or related aspects;

(d) An update of the publication entitled United Nations Action in the Field of Human Rights;

(e) An update of the publications Human Rights: A Compilation of International Instruments and Human Rights: Status of International Instruments, including texts of regional instruments on human rights.

18. With regard to the analytical, action-oriented studies, the secretariat approached other United Nations bodies working in the field of human rights, the specialized agencies, other intergovernmental and regional organizations, national institutions and non-governmental organizations and requested them to contribute to the studies within their areas of competence. The Secretary-General proposed in his report (A/CONF.157/PC/20) to the Preparatory Committee at its second session that those inputs be provided in close cooperation with the Centre for Human Rights and with the secretariat of the World Conference. The Secretary-General's report listed the themes for the six proposed studies, with annotations.

19. In response to the secretariat's request, the Division for the Advancement of Women prepared a report, which was included in the joint paper of the Centre for Social Development and Humanitarian Affairs ("Work of the Centre for Social Development and Humanitarian Affairs in human rights"). In accordance with the agreed themes, or objectives, the progress made in the field of women's rights was summarized in the report, which also contained a description of the work of the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women and the secretariat. Obstacles to further progress in the advancement of women were identified and the relation delineated between development and the enjoyment by everyone of economic, social and cultural rights and of civil and political rights. Ways and means to improve implementation were discussed and the effectiveness of United Nations methods

and mechanisms were evaluated. One recommendation was to ensure that matters of gender were taken into account when the reports of States parties to all human rights treaties were being reviewed, and that the Committee on the Elimination of Discrimination against Women was given greater visibility in the work of other human rights treaty bodies. More advisory services and more training in the implementation of treaties were also required, as was the incorporation of gender concerns in the implementation of other human rights treaties.

20. The reports on the progress made in preparation of publications, studies and documentation were made available for the meetings of the Preparatory Committee. On the recommendation of the Commission on the Status of Women at its thirty-sixth session, the Social and Economic Council, in its resolution 1992/20, invited the Centre for Human Rights and Member States, in preparing for the World Conference, to make use of gender-disaggregated data, which identified situations of inequality between women and men. Moreover, the Committee on the Elimination of Discrimination against Women, in its suggestion 3, 2/ referring to its contribution to the World Conference, requested the Secretary-General to ensure that, as far as possible, documentation prepared in accordance with General Assembly resolution 46/116 should include a gender perspective.

21. The Division for the Advancement of Women has contributed to the publications mentioned in General Assembly resolution 47/116, para. 4(e)(iv) and (v). According to the report of the Secretary-General (A/CONF.157/PC/41) to the Preparatory Committee at its third session, all the restructured and updated publications were nearing completion as of the date of that report.

22. Regarding other meetings and activities, the Preparatory Committee had before it a list of the meetings of which the Centre for Human Rights had been informed. At the third session, an analytical compilation of the recommendations of other meetings related to the preparatory process of the World Conference was presented (A/CONF.157/PC/42 and 43). The meetings most relevant to women's rights were:

(a) World Congress on Human Rights (New Delhi, December 1990). In its Final Act (A/CONF.157/PC/6/Add.7/Rev.1) the Congress urged Governments to ratify the Convention on the Elimination of All Forms of Discrimination against Women and to establish commissions to monitor compliance with it and also urged Governments of countries that had entered reservations to the Convention to withdraw those reservations;

(b) Workshop on Judicial Treatment of Domestic Violence (Geneva, 5 February 1992, organized by the University of Calgary). The workshop dealt with the issue of gender fairness in the administration of justice. The participants unanimously agreed to appeal to the Commission on Human Rights at its forty-eighth session to deal with the issue of violence against women and its treatment in judicial processes both as a human rights issue and under its agenda item 24: the World Conference on Human Rights (see A/CONF.157/PC/32) and (A/CONF.157/PC/42, paras. 35-45);

(c) Consultation on Women's International Human Rights (Toronto, Canada, 31 August-2 September 1992, organized by the North-South Institute, the Faculty of Law of the University of Toronto and other organizations concerned with women's rights);

(d) Linking Hands for Changing Laws: Women's Rights as Human Rights Around the World (Toronto, Canada, 2-4 September 1992, sponsored by the North-South Institute and the International Centre for Human Rights and Democratic Development);

(e) Nordic Seminar on Human Rights (Laugarvatn, Iceland, 9-10 June 1991, organized by the Nordic Institutes of Human Rights). At the seminar, the opinion was unanimously expressed that discrimination against women belonged to the category of the most serious, unresolved problems in the human rights field and that it should be placed on the agenda of the World Conference (A/CONF.157/PC/7, para 49). The seminar also requested that substantive issues such as the rights of women should be better integrated into and coordinated with the mainstream human rights agenda (ibid., para. 82).

23. Meetings that are being planned include a workshop on Private Violence/ Public Policy: Violence against Women on the Agenda (sponsored by the North-South Institute and United Nations Development Fund for Women, to be held in the Netherlands in April 1993).

24. With regard to public information activities, the Division has stressed the importance of including the Convention on the Elimination of All Forms of Discrimination against Women and related activities in the series "World Campaign for Human Rights". Having conveyed a request from the Committee on the Elimination of Discrimination against Women that a publication on the Convention on the Elimination of All Forms of Discrimination against Women and the work of the Committee should be prepared in a manner similar to the Fact Sheets for other human rights instruments and bodies, the Division has worked with the Centre for Human Rights to that effect and recently an agreement was reached with the Centre to issue such a publication. The Division has also asked that the Manual on Human Rights Reporting be translated into all of the official languages of the United Nations as soon as possible. It has welcomed other possibilities of joint ventures in publication and translation activities with the Centre. Likewise, the Division has suggested cooperating with the Centre for Human Rights to give publicity to the obstacles to implementation of international human rights instruments, including the global problem of violence against women.

C. Other activities

25. As the Director of the Division for Advancement of Women asserted in her statement at the third session of the Preparatory Committee, for women's rights the emphasis has been on enjoyment of human rights. The work, defining norms for public action and for private behaviour in questions that are often considered to be private matters, is burdened with special obstacles. Violence against women is one example in this area. The forms of violence are many, but they all demonstrate a consistent disregard for the principles of the Universal Declaration of Human Rights (General Assembly resolution 217 A (III) that "everyone has the right to life, liberty, and security of person" (article 3) and that "no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment" (article 5).

26. How to ensure that the general work on human rights will take into account the specific work on women's rights should be of concern to the Conference, according to the Director. In the first review and appraisal of the Nairobi Forward-looking Strategies for the Advancement of Women, violence against women was identified as one of the main obstacles to the achievement

of the objectives of the United Nations Decade for Women: Equality, Development and Peace (see Economic and Social Council resolution 1990/15, annex, para. 23). The issue's current importance has been dealt with over several sessions of the Commission. In addition, the Division for the Advancement of Women organized the Expert Group Meeting on Violence against Women held at Vienna in November 1991, where a first draft of a declaration on violence against women was prepared. Subsequently, in September 1992, an intersessional working group of the Commission agreed on the text of a draft declaration on the elimination of violence against women.

27. The Economic and Social Council, on the recommendation of the Commission at its thirty-sixth session, called upon the Preparatory Committee of the World Conference, when examining the main obstacles to the implementation of human rights instruments, to pay adequate attention to the global problem of violence against women (Council resolution 1992/20).

28. Moreover, the Committee on the Elimination of Discrimination against Women in its general recommendation 19, 6/ adopted at its eleventh session, considered gender-based violence as a form of discrimination that seriously inhibited women's ability to enjoy rights and freedoms on a basis of equality with men. This recommendation was also brought to the attention of the Preparatory Committee in the letter (A/CONF.157/PC/53) dated 14 September 1992 from the Chairperson of the Committee on the Elimination of Discrimination against Women. In her statement to the Preparatory Committee at its third session, she said that the persistent violation of women's human rights constituted one of the most flagrant yet the least recognized violation of human rights in the modern world.

29. Since 1988, the Division for the Advancement of Women has organized six training seminars as part of the regular programme of technical cooperation of the United Nations, to assist States parties in implementing the Convention on the Elimination of All Forms of Discrimination against Women. Participants from a total of 87 countries have taken part in these seminars. In addition, over the period 1988-1992, a total of six advisory missions to individual countries were organized by the Division.

30. The Division recommends that the amount of advisory services and training in implementation be increased. It also expects that gender concerns will be incorporated in the implementation of other human rights treaties, with an emphasis on joint action by the Division and the Centre for Human Rights. The Division has made a number of proposals for strengthening the cooperation between and coordinating the activities of the Centre for Human Rights and other parts of the United Nations system.

II. WOMEN'S RIGHTS AND HUMAN RIGHTS IN HISTORICAL PERSPECTIVE

31. Since the founding of the United Nations, the achievement by women of equal protection and enjoyment of all human rights has been part of the general human rights agenda. Equality between men and women is the only human right explicitly mentioned in the preamble to the United Nations Charter. As the Director of the Division for the Advancement of Women said in her statement to the Preparatory Committee at its third session, it has been the most systematically pursued human right in the Organization's history.

32. In order to understand the role and input of the Commission on the Status of Women in the field of human rights, it is necessary to some extent to review the history of its work. The following summary is based on the report submitted by the Division for the Advancement of Women as part of documentation requested for the World Conference on Human Rights.

33. When designing the human rights regime of the Organization, one of the first decisions was to separate a special body to deal with women's issues, in order to guarantee that the questions concerning discrimination against women were adequately dealt with at all levels: political, civil, social, economic, and educational. It was recognized and feared that, as discrimination was so intertwined with underlying economic, social and cultural factors, all aspirations for equal enjoyment of rights would be lost in a male-dominated, heavily politicized mainstream. Thus, when the representative of the Sub-Commission on the Status of Women, established at the first session of the Economic and Social Council in 1945, under the wing of the Commission on Human Rights, addressed the Council in May 1946, the recommendation was made that the Sub-Commission should be established as a full Commission in order to enable it to work under the best possible conditions and not be dependent on the pace of another commission. The Council, on 21 June 1946, adopted resolution 11, conferring upon the Sub-Commission the status of a full commission.

34. Consequently, women's rights have evolved along lines parallel to those of the general human rights regime. By advocating these rights the Commission on the Status of Women has filled the gap left by other bodies, who have not usually taken gender issues into account in their work. Hence, overlap with the work of other regimes has been marginal.

A. Elaboration of international norms and standards

35. The first example of the complementary nature of the work of the Commission was its participation in the drafting of the Universal Declaration on Human Rights. The participation resulted in the elimination of sexist language from the draft declaration.

36. From early on, the Commission was concerned with political as well as with family rights. There was interest in drafting a convention on the political rights of women, since it was felt that little progress could be made in improving the status of women without the granting of political rights. At the time the United Nations Charter was undersigned, about half of the signatories did not grant an unrestricted right for women to vote, a situation that necessitated urgent corrective action. It was, therefore, recognized that the process for adopting the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, which could have resolved the problem, was too slow to deal with specific problems of women. The Convention on the Political Rights of Women was adopted in 1952 (see General Assembly resolution 640 (VII)). By comparison, the International Covenant on Civil and Political Rights was adopted only in 1966 (see General Assembly resolution 2200 A (XXI)) and entered into force in 1976. This was another example of the Commission acting in advance of the mainstream human rights organs to resolve a problem of particular concern to women.

37. The same occurred in connection with the development of family law. The Convention on the Nationality of Married Women (General Assembly resolution 1040 (XI)) and the Convention on Consent to Marriage, Minimum Age

for Marriage and Registration of Marriages (see General Assembly resolution 1763 A (XVII)) were adopted in 1957 and in 1962 respectively. Again, the Commission proceeded on its own initiative, since it did not want to wait for the completion of the International Covenant on Civil and Political Rights to deal with these critical questions.

38. In the 1960s, the issues expanded to cover discrimination against women in all its forms. The Declaration on the Elimination of Discrimination against Women (see General Assembly resolution 2263 (XXII)), based on the model of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 1904 (XVIII)), was adopted. Although the Declaration had no binding effect, it constituted a statement of international policy, and many of its provisions were later incorporated into the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180)). This Convention was a culmination of the work of the Commission in terms of human rights law. It had clearly defined women's rights in the context of the international human rights regime. Subsequent work has reinforced this, by filling gaps in the coverage of the Convention, as, for example, in the case of work relating to violence against women.

39. It can be concluded that international law in the areas of human rights of women and equality has largely been developed in the framework of the Commission on the Status of Women. It has proved able to react both quickly and comprehensively to urgent problems requiring immediate attention. This has been crucial in promoting women's rights, especially when equality between men and women has not been a major focus of the work of the main human rights bodies. Consequently, the original function of the Commission has been adequately carried out.

B. Evolution from existence of de jure rights to their exercise de facto

40. The action of the Commission has evolved from defining the rights to exploring factors that have prevented women from enjoying them. Thus, emphasis has shifted to underlying social, cultural and attitudinal causes of discrimination. The period of the United Nations Decade for Women, 1976-1985, reinforced the constant concern of the Commission on the enjoyment by women of their human rights. In addition, the Commission continued to emphasize development issues, as it has been recognized that enjoyment can not be separated from economic, social and political issues. The three themes of the Decade: Equality, Development and Peace, reflect this interrelationship.

41. Subsequently, the objectives and the provisional agenda for the World Conference on Human Rights are supposed to consider the relationship between development, democracy and the universal enjoyment of all human rights. The Commission has developed its experience precisely on these relationships and has, therefore, considerable experience to contribute to the Conference.

42. At the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in 1985, the Nairobi Forward-looking Strategies for the Advancement of Women 7/ were adopted. This document is now the substantive basis for the Commission's work until the year 2000. Subsequently, a work programme based on priority themes has been defined. By Council resolution 1987/22, the terms of reference of the Commission were expanded to include the functions of promoting the objectives of equality, development and peace, monitoring the

implementation of measures for the advancement of women and reviewing progress made. The guidelines for monitoring, review and appraisal were recommended at the thirty-first session of the Commission, in 1987, and adopted by the Economic and Social Council in its resolution 1987/18.

43. Each priority theme incorporates a main policy issue, which is to be examined by the Commission with a view to making appropriate recommendations on public policies. The first review and appraisal of the Forward-looking Strategies set a number of new priority targets. Moreover, the Commission itself has identified new issues, which need to be regulated globally, most recently in the area of violence against women. A change in the focus and approach of the Commission has enabled it to respond to new challenges without, however, altering its central objective.

44. Examination of the work of the Commission suggests that the decision to separate it from the Commission for Human Rights was wise. Throughout its history, the Commission has been ahead of its time, both in creating a normative base as well as in turning rights into reality. In the latter, having an issue-specific point of departure, it has demonstrated an innovative and evolutionary approach in dealing with human rights issues.

C. Communication procedure

45. The basis for the mandate of the Commission on the Status of Women to receive communications is formed in Economic and Social Council resolutions 76 (V) of 5 August 1947 and 304 I (XI) of 14 and 17 July 1950. In its resolution 1983/27 of 26 May 1983, the Council decided that a working group on communications be appointed at each session to consider all communications, including the replies of Governments, if any, with a view to bringing to the attention of the Commission the communications that appeared to reveal a consistent pattern of reliably attested injustice and discriminatory practices against women, and to prepare a report to the Commission on confidential and non-confidential communications on the status of women. The Council, in its resolution 1986/29, requested the Commission to make recommendations to it based on the communications. The recommendations should advise on action to be taken on emerging trends and patterns of discrimination against women revealed by such communications.

46. The purpose of the procedure for considering communications from individuals and specialized agencies has been information-gathering, with a view to enabling the Commission to identify current trends and issues on the status of women. Currently, however, the communication procedure, although it is a source of information on the effects of discrimination on the lives of women, is not an efficient tool for bringing to the attention of the Commission situations which "appear to reveal a consistent pattern of reliably attested discrimination against women". Thus, the information value of the procedure, owing to the small number of communications received, has been minimal. Nevertheless, the Commission has available a wide range of sources of information, which can provide an adequate basis for its policy-making.

47. Discussions were held about the communication procedure, based on resolution 1990/8 of 24 May 1990, in which the Council requested the Secretary-General to examine, in consultation with Governments, the existing mechanisms for communications on the status of women. The report of the Secretary-General (E/CN.6/1991/10) contains a number of suggestions for improving the efficiency and the usefulness of the mechanisms.

48. In its resolution 1992/19 of 30 July 1992, the Council requested the Commission to consider ways to make the existing procedure more transparent and efficient. The communication procedure has been considered by a number of States to be crucial to the Commission's role in monitoring and formulating recommendations furthering the implementation of the Nairobi Forward-looking Strategies. By the same resolution, the Council recommended that the Secretary-General widely publicize the existence and scope of the communication mechanisms and ensure proper coordination between the Commission and other human rights bodies in that area. In order to increase the participation of individual complainants in the communication process, the Council requested the Secretary-General to make available to authors of communications any recommendations by the Commission to the Council on situations brought to the Commission's attention.

49. The communication procedure of the Commission of the Status of Women was never mandated to provide redress for individual grievances, nor was it designed to facilitate detailed studies on particular country situations. This is the main point at which it differs from many other human rights bodies, which do have so-called complaint-recourse communication procedures. The complaint-information procedure of the Commission is related to the approach taken by the women's rights regime, and must be seen in the larger context of its methods of work. Thus, when suggesting relevant changes to the present procedure (or suggesting an adoption of a new mechanism), it must be borne in mind that fundamental changes to the system would require a major change in the mandate of the Commission and, furthermore, would have important organizational, financial and legal implications. Nevertheless, the complaint-information procedures can also be modified to further enhance the ultimate goals.

III. QUESTIONS

50. On the basis of the foregoing, the Commission may wish to discuss a number of central questions, germane to its contribution to the World Conference on Human Rights:

(a) Are the reasons that led to the decision to establish a separate machinery to deal with women's rights still justified and relevant today? What has been and what should be the role of the Commission on the Status of Women in the field of human rights? How does the work of the Commission correlate with that of the other human rights bodies? To what extent has the approach taken, the methods used and the mechanisms generated by the Commission been successful? What is the overall situation of women's rights in the field of human rights?

(b) How can the integration of women's rights with other human rights best be facilitated? How could the relationship between the Convention on the Elimination of All Forms of Discrimination against Women and other human rights instruments be strengthened to ensure the equal enjoyment of rights between women and men? What should be the relationship between the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women?

Notes

1/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 24 (A/47/24), annex II, decisions PC.2/5 and PC.2/8; and ibid., Supplement No. 24A (A/47/24/Add.1), annex II, decisions PC.3/2 and PC.3/3.

2/ Ibid., Forty-seventh Session, Supplement No. 38 (A/47/38), sect. I, suggestion 3.

3/ Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1992/22), chap. II, sect. A.

4/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

5/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No. 24 (A/46/24), annex II.

6/ Ibid., Forty-seventh Session, Supplement No. 38 (A/47/38), sect. I.

7/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.82.I.16), chap. VI, sect. A.